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BEFORE THE ARIZONA CORPORATION COMMISSION**COMMISSIONERS**

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

Arizona Corporation Commission
DOCKETED

JUN - 5 2012

DOCKETED BY

TJM

IN THE MATTER OF THE APPLICATION OF
BACA FLOAT WATER COMPANY, INC. FOR
AN EXTENSION OF ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY IN SANTA
CRUZ COUNTY, ARIZONA.

DOCKET NO. WS-01678A-07-0459

DECISION NO. **73222**

ORDER EXTENDING TIME
DEADLINE CONTAINED IN
DECISION NO. 71709

Open Meeting
May 22 and 23, 2012
Phoenix, Arizona

BY THE COMMISSION:

Having considered the entire record herein and being fully advised in the premises, the Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

FINDINGS OF FACT

1. On April 24, 2008, the Commission issued Decision No. 70290, granting Baca Float Water Company, Inc. ("BFWC" or "Company"), an extension of its wastewater Certificate of Convenience and Necessity ("CC&N"). The purpose of the CC&N extension was for the provision of wastewater service to a new subdivision to be developed by Tubac 40 L.L.C. in Santa Cruz County.

2. Pursuant to that Decision, BFWC was required to file as a compliance item copies of the General Permits for the wetland treatment facility and the collection system for the development ("General Permits") within two years of the effective date of the Decision. Based on this, the filing deadline for the General Permits was April 24, 2010.

3. On April 12, 2010, BFWC filed a Motion for Extension of Time to File Compliance Item, requesting an extension of time to file the General Permits until April 24, 2012, because unfavorable economic conditions had affected the project's construction time line.

4. The Commission granted the extension in Decision No. 71709 (June 3, 2010).

5. On April 23, 2012, BFWC filed with Docket Control a letter requesting a second extension of the deadline to file the General Permits ("Request").¹ Attached to the Request as Exhibit A is correspondence from Tubac 40 L.L.C. explaining the reasons for its continued delay in developing the subdivision. The developer noted that the "extreme" economic conditions in Santa Cruz County have not improved in the last two years, causing in additional delays for the development.² The letter states, "The revised plan is to move the groundbreaking to the summer of 2014 in anticipation of a recovery from this current situation. We support [BFWC's] request for your service area extension and very much desire to remain in the [BFWC] service area, as this is a critical service to the community."³

6. For these reasons, BFWC requests that the Commission grant an extension of the General Permits' compliance filing deadline to April 12, 2014.⁴

7. On April 30, 2012, the Commission's Utilities Division Staff ("Staff") filed its Staff Report recommending approval of the Company's Request. In the Staff Report, Staff noted that on April 24 2012, they spoke with the Company's finance officer, who related to Staff that "the Company has put a great amount of work into the development and expects to develop within a two year period."⁵ Staff notes that the Request was timely received and included an updated request for wastewater service from Tubac 40 L.L.C. For these reasons, Staff recommended approval of BFWC's Request to extend the General Permits filing deadline from April 24, 2012, to April 24, 2014.

8. Given the circumstances, and based on the information provided by the Company, we find that Staff's recommendation is reasonable and we adopt it.

CONCLUSIONS OF LAW

1. BFWC is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§40-281 and 40-282.

¹ BFWC originally sent the Request to the Commission's Utilities Division, which was received on March 27, 2012, but the Request was not docketed until April 23, 2012.

² Request, Exhibit A.

³ *Id.*

⁴ BFWC incorrectly stated that the deadline extension granted was to April 12, 2012, rather than April 24, 2012.

⁵ Staff Report, page 2.

2. The Commission has jurisdiction over BFWC and the subject matter of the Request for extension for time to comply with Commission Decision No. 71709.


3. Staff's recommendation is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that Baca Float Water Company, Inc.'s Request to extend the compliance deadline for filing the General Permits for the wetland treatment facility and the collection system until April 24, 2014, is granted.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN
EXCUSED
COMM. KENNEDY

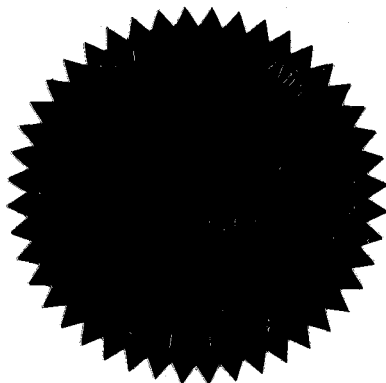
EXCUSED
COMM. NEWMAN


COMMISSIONER

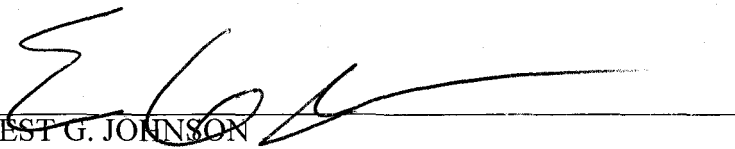
COMMISSIONER

COMMISSIONER


COMMISSIONER



IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 5th day of June, 2012.


ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: BACA FLOAT WATER COMPANY, INC.

2 DOCKET NO.: WS-01678A-07-0459

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